

E-filed 5/25/06

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Attorneys for Defendants & Related Counter-Claimants, EVERGREEN DATA
 SYSTEMS, INC., BRUCE R. MCALLISTER and STEVEN J. DEMARTINI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

SYNOPSIS, LLC, a Nevada Limited
 Liability Company,

Plaintiff,

v.

EVERGREEN DATA SYSTEMS, INC., a
 California Corporation, BRUCE R.
 MCALLISTER, an individual, STEVEN J.
 DEMARTINI, an individual, IRELAND
 SAN FILIPPO, LLP, a California limited
 liability partnership, and DOES 1 through
 10, inclusive,

Defendants.

CASE NO. CV05-01524 JF

**STIPULATION AND
 PROPOSED ORDER
 CONTINUING DATE OF
 MEDIATION**

Action filed: January 10, 2005

AND RELATED COUNTER-CLAIM

1 PLAINTEFF SYNOPSIS, LLC, ("Synopsis") and defendants IRELAND SAN
2 FILIPPO, LLP, ("ISF"), EVERGREEN DATA SYSTEMS, INC., ("Evergreen"),
3 STEVEN J. DEMARTINI, ("DeMartini"), and BRUCE R. MCALLISTER,
4 ("McAllister") by and through their attorneys of record, hereby agree as follows:

5 WHEREAS, the Court in this matter has scheduled a further Case
6 Management Conference for July 7, 2006;

7 WHEREAS, the Court previously ordered the parties to conduct mediation in
8 this matter during the month of May, 2006;

9 WHEREAS, the parties reasonably believe that mediation in this matter will
10 be most productive following additional discovery;

11 Now therefore the parties stipulate that:

12 1. The Court ordered mediation in this matter shall be continued to a
13 mutually convenient date in July, 2006; and

14 2. The parties shall select a mediator and a date for mediation within

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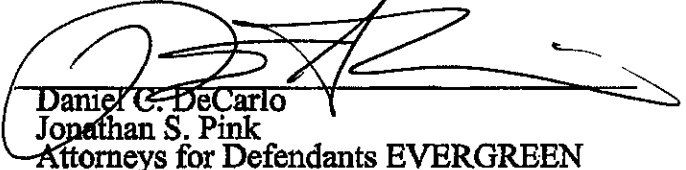
26 ///

1 fourteen days (14) following the execution of this Stipulation.

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3 DATED: May 22, 2006

LEWIS BRISBOIS BISGAARD & SMITH LLP

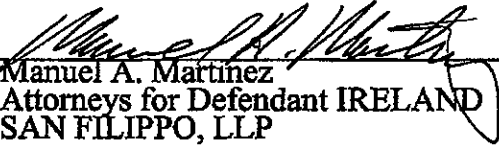
4
5 By


Daniel C. DeCarlo
Jonathan S. Pink
Attorneys for Defendants EVERGREEN
DATA SYSTEMS, INC., BRUCE R.
MCALLISTER and STEVEN J.
DEMARTINI

6
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8
9
10 DATED: May 19, 2006

STEIN & LUBIN LLP

11
12 By


Manuel A. Martinez
Attorneys for Defendant IRELAND
SAN FILIPPO, LLP

13
14
15
16 DATED: May ___, 2006

LAW OFFICES OF JEFFREY F. SAX

17
18
19 By

Jeffrey F. Sax
Attorneys for Plaintiff SYNAPSIS, LLC

20
21 DATED: May ___, 2006

LAW OFFICES OF H. JOSEPH
NOURMAND

22
23
24 By

H. Joseph Nourmand
Attorneys for Plaintiff SYNAPSIS, LLC

05-19-2006

15:36

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F-537

1 fourteen days (14) following the execution of this Stipulation.

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3 DATED: May ____, 2006 LEWIS BRISBOIS BISGAARD & SMITH LLP

4

5 By

6 Daniel C. DeCarlo
Jonathan S. Pink
Attorneys for Defendants EVERGREEN
7 DATA SYSTEMS, INC., BRUCE R.
8 MCALLISTER and STEVEN J.
DEMARTINI

9

10 DATED: May ____, 2006 STEIN & LUBIN LLP

11

12 By

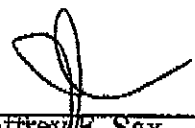
13 Manuel A. Martinez
Attorneys for Defendant IRELAND
14 SAN FILIPPO, LLP

15

16 DATED: May 19, 2006 LAW OFFICES OF JEFFREY F. SAX

17

18 By

19 
Jeffrey F. Sax
Attorneys for Plaintiff SYNAPSIS, LLC

20

21 DATED: May ____, 2006 LAW OFFICES OF H. JOSEPH
22 NOURMAND

23

24 By

25 H. Joseph Nourmand
Attorneys for Plaintiff SYNAPSIS, LLC

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(714) 440-2700

4841-3121-1009.1

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STIPULATION AND PROPOSED ORDER CONTINUING DATE OF MEDIATION

1 fourteen days (14) following the execution of this Stipulation.

2
3 DATED: May ____, 2006 LEWIS BRISBOIS BISGAARD & SMITH LLP

4
5 By

Daniel C. DeCarlo
Jonathan S. Pink
Attorneys for Defendants EVERGREEN
DATA SYSTEMS, INC., BRUCE R.
MCALLISTER and STEVEN J.
DEMARTINI

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9
10 DATED: May ____, 2006 STEIN & LUBIN LLP

11
12 By

Manuel A. Martinez
Attorneys for Defendant IRELAND
SAN FILIPPO, LLP

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14
15
16 DATED: May ____, 2006 LAW OFFICES OF JEFFREY F. SAX

17
18 By

Jeffrey F. Sax
Attorneys for Plaintiff SYNAPSIS, LLC

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21 DATED: May 27, 2006 LAW OFFICES OF H. JOSEPH
22 NOURMAND

23
24 By


H. Joseph Nourmand
Attorneys for Plaintiff SYNAPSIS, LLC

1 After considering the parties' Stipulation, the Court rules as follows:

2
3 1. The Court ordered mediation in this matter shall be continued to a
4 mutually convenient date in July, 2006; and

5 2. The parties shall select a mediator and a date for mediation within
6
7 fourteen days (14) following the execution of this Stipulation.

8 IT IS SO ORDERED:

9
10 DATED: 5/25/06

By 
The Honorable Jeremy Fogel
United States District Court Judge

PROOF OF SERVICE

Synapsis, LLC v. Evergreen Data Systems, Inc., et al. - File No. 26851.04
USDC - Northern District - San Jose Division

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 650 Town Center Drive, Suite 1400, Costa Mesa, California 92626.

On May 22, 2006, I served the following document described as:
STIPULATION AND PROPOSED ORDER CONTINUING DATE OF
MEDIATION on all interested parties in this action by placing ☒ a true copy [
] the original thereof enclosed in sealed envelopes addressed as follows:

Jeffrey F. Sax, Esq. Law Offices of Jeffrey F. Sax 333 S. Hope Street, 36th Floor Los Angeles, CA 90071 213.217.5480 213.217.5490 - Fax Attorneys for Plaintiff Synapsis, LLC	H. Joseph Nourmand, Esq. Law Offices of H. Joseph Nourmand 660 South Figueroa Street, 24th Floor Los Angeles, CA 90017 213.688.2888 213.688.2848- Fax Attorneys for Plaintiff Synapsis, LLC
Manuel A. Martinez, Esq. Patricia L. Bonehey, Esq. Stein & Lubin 600 Montgomery Street, 14th Floor San Francisco, CA 94111 415.981.0550 415.981.4343 - fax Attorneys for Co-Defendant, Ireland San Filippo	

☐ (BY FACSIMILE) The facsimile machine I used complied with Rule 2003(3) and no error was reported by the machine. Pursuant to Rule 2008(e)(4), I caused the machine to print a record of the transmission.

☒ (BY MAIL, 1013a, 2015.5 C.C.P.)

☒ I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this document will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at Costa Mesa, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on May 22, 2006, at Costa Mesa, California.


Carolyn J. Reyes